



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

☒ Preproposal Statement of Inquiry was filed as WSR 04-19-060; or☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or☐ Proposal is exempt under RCW 34.05.310(4).☒ Original Notice☐ Supplemental Notice to WSR \_\_\_\_\_☐ Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** The department is proposing to establish a crucifer seed quarantine in Washington state by adding new rule sections to chapter 16-301 WAC (General Seed Regulations). The new sections are in response to a petition that the department received from the Puget Sound Seed Growers Association. They have been developed with the help of an ad hoc work group representing the industry and higher education research institutions. The petition also asked the department to amend WAC 16-301-050 to add Black mustard (*Brassica nigra*) and Wild radish (*Raphanus raphanistrum*) to the list of restricted noxious weed seeds and to delete the words "in rapeseed only" from the Black mustard and Will radish reference in WAC 16-301-105 (Seed certification - Objectionable weeds) and the department is proposing amendments to comply with the request.

**Hearing location(s):**

Mt. Vernon, WA  
Tuesday, December 6, 2005  
10:00 a.m.  
WSU Extension Auditorium  
16650 State Route 536  
Mt. Vernon WA 98273

Moses Lake, WA  
Friday, December 9, 2005  
11:00 a.m.  
WSDA Office  
821 E. Broadway, Suite #4  
Moses Lake, WA 98837

Date: Time: See above

**Submit written comments to:**

Name: Debbie Hacker  
Address: Department of Agriculture, PO Box 42560  
Olympia, WA 98504-2560  
Email dhacker@agr.wa.gov  
Fax (360) 902-2085 by 5:00 p.m. November 10, 2005

**Assistance for persons with disabilities: Contact**

Virginia Walsh by December 1, 2005

**Date of intended adoption:** December 21, 2005

(Note: This is NOT the effective date)

TTY (360) 902-1976 or ( ) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of this proposal is to address issues raised by the vegetable seed producers of western Washington regarding the increased planting of non-vegetable crucifer crops that have not been tested and found free of two specific diseases, Black rot and Black leg. If these diseases become established in their western Washington production area, they would severely threaten the existence of vegetable seed production. In addition, the non-vegetable crucifer crops often contain dormant seed that may persist into subsequent cropping years and become established as weeds. This proposal places a quarantine order on all seed planted in the regulated areas of western Washington and requires that all seed be tested and found free of the regulated diseases before planting. The proposal also places restrictions on the content of dormant seed where appropriate. Finally, this proposal places two weeds on the Restricted Noxious Weed list. These weeds are Wild radish and Black mustard. These contaminants are prevalent in non-vegetable crucifer crops. By placing these weeds on the Restricted Noxious Weed list they will be listed on the label of seed offered for sale, thus informing the buyer of their presence.

**Reasons supporting proposal:**

This proposal will ensure that all crucifer seed is tested before planting in the regulated area thus protecting a vital segment of Washington agriculture. Washington is a major world exporter of crucifer vegetable seeds. By increasing protection against the introduction of these diseases, export markets will remain open for Washington products. In addition, this proposal will also protect the emerging production of oil seed for bio-diesel by requiring disease free seed stock. The Puget Sound Seed Growers Association, the Columbia Basin Seed Growers Association, the Washington Canola Commission and individual seed growers and seed companies support this proposal.

**Statutory authority for adoption:** Chapter 15.49 RCW and chapter 34.05 RCW**Statute being implemented:** Chapter 15.49 RCW**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**DATE** October 19, 2005**NAME** Robert W. Gore**SIGNATURE****TITLE** Assistant Director**CODE REVISER USE ONLY**CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 19 2005

TIME

WSR

AM

PM

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington State Department of Agriculture

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting.....Victor Shaul	Yakima, WA	(509)-225-2682
Implementation...Fawad Shah	Yakima, WA	(509)-225-2636
Enforcement.....Fawad Shah	Yakima, WA	(509)-225-2636

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared. RCW 19.85.030(1)(a) requires an agency to prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on the businesses in an industry. To determine if the costs imposed by the proposed crucifer quarantine were "more than minor", the department, with the help of industry and academic representatives developed a list of 189 stakeholders that might be affected by the proposed quarantine. An economic impact survey was then mailed to each of the 189 stakeholders giving them two weeks to respond. In the past, the department has had very good response rates to the economic impact surveys that it has conducted. When responses to the crucifer quarantine survey were not received, the department telephoned each stakeholder on the mailing list and reminded them of the importance of completing the survey. Only two stakeholders responded to the survey (both past the two-week deadline) and neither was affected by the proposed quarantine. As a result, the department sent the survey by email to twenty-five representative stakeholders on the original list. Again, the department received no responses. Based upon the expressed support, as well as input, that the department has received from the Puget Sound Seed Growers Association, the Columbia Basin Seed Growers Association, the Washington Canola Commission and individual seed growers and seed companies during the meetings of the crucifer working group and the apparent lack of interest in the economic impact survey, the department has concluded that the crucifer seed industry does not consider the costs imposed by the proposed quarantine to be "more than minor" and, therefore, has not prepared a formal SBEIS.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 02-12-060, filed 5/30/02, effective 6/30/02)

**WAC 16-301-050 Restricted noxious weed seeds.** Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices. Seed is deemed mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label. For the purpose of seed certification, see WAC 16-302-105 for the list of objectionable weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Blackgrass	<i>Alopecurus myosuroides</i>
<u>Black mustard</u>	<u><i>Brassica nigra</i></u>
Blue lettuce	<i>Lactuca tatarica</i> subsp. <i>pulchella</i>
Docks and Sorrel	<i>Rumex</i> spp.
Dodder	<i>Cuscuta</i> spp.
Dyers woad	<i>Isatis tinctoria</i>
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus incertus</i>
Gromwell (only in small grain)	<i>Buglossoides arvensis</i>
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Taeniatherum</i> <i>caput-medusae</i>
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Sinapis arvensis</i> subsp. <i>arvensis</i>
Wild oat	<i>Avena fatua</i> L.
<u>Wild radish</u>	<u><i>Raphanus raphanistrum</i></u>

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

WAC 16-302-105 Seed certification--Objectionable weeds. The following weeds are considered objectionable noxious weeds for the purpose of seed certification.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Blackgrass	<i>Alopecurus myosuroides</i>
Blue lettuce	<i>Lactuca tatarica</i>
Docks and Sorrel	<i>Rumex spp.</i>
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus incertus</i>
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Taeniatherum caput- medusea subsp. caputmedusae</i>
Plantains	<i>Plantago spp.</i>
Poverty weed	<i>Iva axillaris Pursh.</i>
Puncturevine	<i>Tribulus terrestris L.</i>
St. Johnswort	<i>Hypericum perforatum L.</i>
Dalmation toadflax	<i>Linaria dalmatica (L.) Mill.</i>
Yellow toadflax	<i>Linaria vulgaris Hill.</i>
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Sinapis arvensis subsp. arvensis</i>
Wild oat	<i>Avena fatua L.</i>
Gromwell (in small grain)	<i>Buglossoides arvensis</i>
Bedstraw	<i>Galium spp. (in alfalfa only)</i>
Black mustard	<i>Brassica nigra (((in rapeseed only)))</i>
Brown mustard	<i>Brassica juncea (in rapeseed only)</i>
Wild radish	<i>Raphanus raphanistrum</i> (((in rapeseed only)))
Dyers woad	<i>Isatis tinctoria</i>

## CRUCIFER SEED QUARANTINE

### NEW SECTION

**WAC 16-301-490** Why is the department establishing a crucifer seed quarantine? The production of crucifer vegetable seed is an important industry in Washington state. The economic well-being of that industry is threatened by the introduction of crucifer seed infected with certain bacterial and fungal pathogens. In addition, certain crucifer species produce dormant seed that, if present in a seed lot will persist into subsequent cropping years. The resulting "volunteer" plants have the potential to become established as weeds in Washington state.

The director has determined that a quarantine is needed to protect the Washington crucifer vegetable seed industry from the introduction of seed infected with certain pathogens and from the introduction of crucifer seed containing dormant seed. The quarantine will provide the seed growers in this state with sources of crucifer seed that have been tested and proven to be free from harmful pathogens and, when appropriate, dormant seed.

### NEW SECTION

**WAC 16-301-495** What definitions are important to understanding this chapter? Definitions for some terms in this chapter can be found in chapter 15.49 RCW and chapter 16-301 WAC. In addition, the following definitions apply to this chapter:

**"Approved treatment methods"** include hot water, hot chlorine or any other methods that can eliminate the presence of regulated pathogens.

**"Crucifer"** means all plants in the family Brassicaceae (also known as Cruciferae) and specifically includes all *Brassica* species, *Raphanus sativus* - Radish, *Sinapis alba* and other mustards.

**"Crucifer production"** means any planting of crucifer seed or seedlings for the purpose of producing seed, oil, commercial vegetables or cover crops.

**"Crucifer seed"** includes any part of a plant capable of propagation including, but not necessarily limited to, seeds,

roots, and transplants.

**"Department"** means the Washington state department of agriculture (WSDA).

**"Director"** means the director of the Washington state department of agriculture or the director's designee.

**"Dormant seed"** means viable true seed that displays a delay in or lack of germination when provided favorable germination conditions for the type of seed in question.

**"Owner"** means the person having legal ownership, possession or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, grower, seed dealer, landowner or their agent.

**"Person"** means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

**"Regulated area"** means those geographic areas that are protected from the introduction of specified plant pests by the provisions of this quarantine.

**"Seed lot"** means a designated quantity of seed that is uniquely identified by a lot number.

**"Seed program"** means the Washington state department of agriculture seed program.

**"Trial ground"** means a specific parcel of land approved by the director for experimental or limited production or increase of crucifer seed and for planting seed lots whose quantity of seed is insufficient to allow for pathological testing.

**"True seed"** means a mature fertilized ovule consisting of an embryo, with or without an external food reserve enclosed by a seed coat.

#### NEW SECTION

**WAC 16-301-500 What crucifer articles are regulated by this chapter?** (1) With the exception of the exemptions listed in WAC 16-301-525(4), all crucifer seed, seedlings, roots, or transplants intended for seed production, oil production, commercial vegetable production or cover crop use are regulated under the provisions of this chapter.

(2) This chapter also regulates crop residue remaining from the harvest of infected crucifer plants.

## NEW SECTION

**WAC 16-301-505 What diseases are regulated by this chapter?**

(1) **"Regulated diseases"** means those bacterial and fungal diseases of crucifers listed in this section and any new variations or strains of these diseases.

(2) **"Regulated pathogens"** means those bacterial and fungal organisms identified as the casual agents for the diseases listed in this section.

(3) The following bacterial and fungal diseases of crucifers, and any new strains or variations of these diseases are regulated by this chapter:

Common Name	Scientific Name
Black leg of Crucifers	<i>Phoma lingam</i>
Black rot	<i>Xanthomonas campestris</i> <i>pv. campestris</i>

## NEW SECTION

**WAC 16-301-510 What seed must undergo dormancy testing?** Any seed of a *Brassica* or *Sinapis* species whose primary uses for any nonvegetable use must be tested for the presence of dormant seed.

This testing must be done by either a single or paired germination test that demonstrates freedom of dormant seed.

## NEW SECTION

**WAC 16-301-515 What is the quarantined area for this crucifer seed quarantine?** (1) The quarantine area for the crucifer seed quarantine includes all Washington state counties except Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

(2) Regulated articles imported into Washington state must comply with the regulations of this chapter before transport into the regulated area. No additional requirements apply within the quarantine area but all regulated articles transported into the regulated area must comply with the regulations of this chapter.

#### NEW SECTION

**WAC 16-301-520** What is the regulated area for this crucifer seed quarantine? The regulated area for this crucifer seed quarantine includes Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

#### NEW SECTION

**WAC 16-301-525** What are the exemptions to the crucifer seed quarantine that apply within the regulated area? This crucifer quarantine does not apply to:

(1) Experiments or trial grounds of the United States Department of Agriculture;

(2) Experiments or trial grounds of a university such as but not limited to the University of Idaho or Washington State University research stations; or

(3) Trial grounds of any person, firm or corporation that are approved by the director and established in accordance with WAC 16-301-550..

(4) Shipments, movements, or transportation of:

(a) Prepackaged crucifer seed in packages of 1/2 ounce or less if the seeds are free of diseases; or

(b) Vegetable seedlings offered for sale for home garden use in the regulated area if the seedlings are free of diseases.

(5) Research, variety development, variety maintenance or other crucifer production where the entire crop cycle is confined within a building or greenhouse.

#### NEW SECTION

**WAC 16-301-530** What requirements apply to planting crucifer seed in the regulated area? (1)(a) It is a violation of this chapter to plant or establish crucifer seed that is infected with any regulated disease in the regulated area.

(b) Any seed of a *Brassica* or *Sinapis* species planted or established in the regulated area whose primary use is for any nonvegetable use must be tested for the presence of dormant seed as required by WAC 16-301-510.

(2) Any person who plans to ship, move, or transport any crucifer seed intended for planting purposes into or within the regulated area must file a Notice of Intent/Quarantine Compliance form with the seed program before planting or offering the seed for sale.



(3) The Notice of Intent/Quarantine Compliance form filed with the seed program must be accompanied by a copy of the:

(a) Laboratory analysis or some other proof (such as a phytosanitary certificate based upon laboratory testing issued from the state or country of production) demonstrating that the lot is free of regulated diseases; and

(b) Seed analysis certificate(s) showing that the lot is free from dormant seed, if required under WAC 16-301-510.

(4) It is a violation of this chapter for any crucifer seed intended for seed production, oil production, commercial vegetable production or cover crop use to be offered for sale within or into the regulated area unless each seed container bears a label issued by the seed program indicating that the seed is in compliance with the requirements of this chapter.

#### NEW SECTION

**WAC 16-301-535 What requirements apply to boxes and racks used to ship crucifer seedlings?** (1) Only boxes that have not previously contained crucifer seedlings may be used for shipping transplants into or within a regulated area.

(2) Racks used to ship transplanted crucifer seedlings must be thoroughly disinfected with an appropriate sanitizer before the seedlings are shipped.

#### NEW SECTION

**WAC 16-301-540 What requirements apply to crucifer transplants grown in greenhouses in the regulated area?** (1) All crucifer transplants produced in greenhouses in the regulated area must be subjected to pest control procedures that reduce the presence of diseases or insects that may inhibit identifying regulated diseases.

(2) The interiors of greenhouses in the regulated area used to produce crucifer transplants must be free of crucifer weeds.

(3) One hundred meter buffers, free of crucifer weeds, must surround all greenhouses in the regulated area used to produce crucifer transplants.

#### NEW SECTION

**WAC 16-301-545 What requirements apply to crucifer seed lots that test positive for any regulated disease?** (1) If a crucifer seed lot tests positive for any regulated disease, the infected seed lot may be treated with an approved seed treatment.

(2) After treatment, the seed lot must be tested for the presence of regulated diseases using appropriate pathological testing methods.

(3) If the pathological testing yields negative test results, the seed lot will be considered in compliance with this chapter.

(4) It is a violation of this chapter to plant seed in the regulated area that tests positive for any regulated disease subsequent to any approved treatment method.

#### NEW SECTION

**WAC 16-301-550 If documentation verifying that crucifer seed is free from regulated diseases is not available, what protocols must be followed before the seed is planted in a regulated area?** When no documentation exists verifying that a crucifer seed lot is free from regulated diseases, the following protocols must be followed before the seed is planted in the regulated area:

(1) A crucifer seed lot will be classified as a suspect seed lot if the seed lot lacks the documentation verifying that the lot complies with the crucifer seed quarantine requirements of this chapter.

(2) Suspect seed lots must:

(a) Not be offered for sale in the regulated area.

(b) Be treated by an approved treatment method.

(c) Be sown in a greenhouse and the seedlings must pass inspection by seed program inspectors before transplanting to the field.

(3) Any greenhouse operation used to grow crucifer seedlings for transplant must:

(a) Physically separate suspect seed lots from other crucifer production within that greenhouse.

(b) Monitor and document the location and identity of each suspect seed lot during production.

(4) It is a violation of this chapter for seedlings from a suspect seed lot to be topped, clipped, chopped or undergo any other treatment to toughen them or reduce their size.

(5) All seedlings from a suspect seed lot that exhibit symptoms of regulated diseases must be physically separated from asymptomatic transplants in that lot.

(6) Before shipping seedlings from a suspect seed lot, the seedlings must be inspected by seed program inspectors for the presence of regulated diseases.

(a) If no symptoms of regulated diseases are detected during this inspection, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the regulated area.

(b) If seedlings display symptoms of regulated diseases, laboratory testing for the diseases is mandatory.

(c) If seedlings from a suspect seed lot test negative for regulated pathogens after appropriate pathological testing, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the regulated area.

(d) If the presence of a regulated disease is confirmed by laboratory testing, all seedlings from a suspect seed lot may be subject to a quarantine order or destruction order under WAC 16-301-570.

(7) Any crucifer seed production fields, plant beds, or greenhouse production that will be planted with or receives production from suspect seed lots that are determined to be free from regulated diseases under subsection (6) of this section must be entered into the Washington state phytosanitary inspection program as required under WAC 16-301-235.

(8)(a) It is a violation of this chapter to plant seedlings from a suspect seed lot that tests positive for any regulated disease in the regulated area.

(b) Any suspect seed lot testing positive for any regulated disease may be subject to a quarantine order or a destruction order under WAC 16-301-570.

#### NEW SECTION

**WAC 16-301-555 How are approved trial grounds established and what rules apply to them?** (1) If a crucifer seed lot has not been tested to determine if it is disease free, and the quantity of seed in the lot is too small for testing to be practical, it must be planted in an approved trial ground that meets the requirements of the seed program.

(2) Trial grounds may be established for the purposes of, but not limited to, variety maintenance, variety development or other related research.

(3)(a) The seed program must approve a trial ground before it is established.

(b) Failure to obtain approval of a trial ground before it is established is a violation of this chapter and may subject the trial ground to a destruction order under WAC 16-301-570.

(4)(a) Trial grounds must be isolated from crucifer production crops according to the standards set in "*Seed Field Minimum Isolation Distances*" published by the Washington State University (WSU) cooperative extension.

(b) Copies of this publication can be obtained by contacting

a WSU extension office.

(5) A person may plant crucifer seed in an approved trial ground after notifying the seed program, in writing, of their intent to plant for research purposes only. The notification will include an assurance that the person planting crucifer seed in an approved trial ground will comply with the inspection procedures in WAC 16-301-560, the isolation requirements prescribed by the WSU extension publication "*Seed Field Minimum Isolation Distances*", and any other requirements established by the director.

(6) The maximum planting in a trial ground is:

- (a) One pound per variety for crucifer seed; and
- (b) One-half acre for crucifer transplants.

#### NEW SECTION

**WAC 16-301-560 What are the inspection requirements for trial grounds?** (1) Applications for the phytosanitary field inspection of a trial ground must be submitted to the department before September 1 of the year the trial ground is established.

(2) A minimum of two phytosanitary field inspections of a trial ground must be conducted. These inspections must take place:

- (a) During the seedling stage; and
- (b) At the bloom stage.

(3) The phytosanitary field inspection application must include:

- (a) A detailed varietal planting plan;
- (b) A description of the exact location of the trial ground;
- (c) The manner in which the trial ground will be isolated from other known crucifer production; and
- (d) The distance by which the trial ground is isolated from other known crucifer production.

(4) If the field inspections detect any regulated pathogens, the trial ground is subject to destruction upon the order of the director.

(5) A disinfectant must be applied to the:

- (a) Machinery used in the production of the crucifer crop;
- (b) Footwear of all persons entering the trial grounds; and
- (c) Footwear of all persons before traveling from a trial ground to other crucifer fields.

#### NEW SECTION

**WAC 16-301-565** What are the testing requirements for seed harvested from an approved trial ground? (1) Seed harvested from an approved trial ground must be tested in an approved laboratory for the presence of regulated pathogens before it is planted in a regulated area.

(2) If the seed harvested from a trial ground tests positive for any regulated pathogens, it may not be released for general planting within a regulated area.

(3)(a) Seed harvested from a trial ground infected with a regulated pathogen must either be destroyed or shipped out of the regulated area.

(b) Written documentation of either the seed's destruction or shipment out of the regulated area must be submitted to the seed program within thirty days of the positive test for the regulated pathogen.

(c) Seed from a trial ground infected with a regulated pathogen that remains in a regulated area beyond thirty days may be subject to destruction upon the order of the director.

#### NEW SECTION

**WAC 16-301-570** What are the penalties for violating the crucifer seed quarantine? (1) When the director determines that crucifer seed or production is infected with a regulated disease, the director may issue a quarantine order or notice of destruction. A violation of this chapter may also result in either a quarantine order or notice of destruction as determined by the director and the rules regulating the crucifer quarantine. Any costs associated with complying with a notice of destruction or quarantine order is the sole responsibility of the owner and not the responsibility of the department.

(2) The director may issue a notice of destruction:

(a) The notice of destruction will identify the property or seed lot affected.

(b) The notice of destruction will order the destruction of regulated articles or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

(c) The notice of destruction may prescribe control measures or other requirements needed to prevent the infection of adjacent properties with a regulated disease.

(d) To ensure that the affected parties comply with the measures required to eliminate a disease caused by regulated pathogens, the director will notify the owner and seed company representatives, if known, regarding the methods of destruction to be used, the extent of the destruction and the safeguards being implemented to prevent the spread of the disease.

(3) The director may order the quarantine of any regulated article or planting area. The director will:

- (a) Determine the quarantine conditions;
- (b) Determine if a quarantine extension is warranted; and
- (c) Prescribe sanitary precautions that will prevent the spread of the suspected regulated disease.

(4) To prevent the spread of the suspected regulated disease, persons entering the quarantined area must follow the sanitary precautions in WAC 16-301-560(5). Entry into the quarantined area is restricted to:

- (a) The owner;
  - (b) Department employees;
  - (c) University personnel or other plant pathology specialists; and/or
  - (d) Persons authorized in writing by the director.
- (5) Fields placed under a quarantine order:

(a) Must enter the Washington state phytosanitary inspection program as required under WAC 16-301-235 with all inspection costs borne by the owner.

(b) May be subject to additional inspection, control, isolation, or destruction requirements if the director determines they are needed to prevent the spread of regulated pathogens.

(6) Any owner violating the requirements of this crucifer quarantine is subject to the civil and/or criminal penalties as established in chapters 15.49 and/or 17.24 RCW.

#### NEW SECTION

**WAC 16-301-575 How are diseased crucifer seeds and infected fields identified?** (1) So that timely investigations may be made, all interested parties, including owners, seed company representatives, and university extension personnel are encouraged to promptly report any suspected infected crucifer fields to the seed program.

(2) Any crucifer crop infected with a regulated pathogen must be reported to the seed program within seventy-two hours after the regulated pathogen is discovered.

(3) (a) The seed program may conduct inspections and tests to determine infection of any crucifer seed or production with a regulated disease.

(b) If a WSDA plant services program plant pathologist and a qualified plant pathologist representing a commercial company or owner disagree over the presence of a regulated disease, the company or owner may request a verification test for a regulated pathogen. A university plant pathologist may recommend the verification test. The verification test must use accepted scientific and professional techniques and will be at the owner's expense.

(c) The affected planting area will be placed under quarantine for at least thirty days or until verification testing is completed.

#### NEW SECTION

**WAC 16-301-580 What regulations apply to diseased crucifer seeds and infected fields?** (1) When the director determines that a field is infected with a regulated pathogen and threatens to infect other fields, the director may issue a notice of destruction prescribing control measures or other requirements needed to prevent the infection of adjacent properties.

(2) Unless the crop is within two weeks of harvest, any crucifer crop within the regulated area that is infected with a regulated pathogen may be subject to immediate destruction, in part or in total. The owner is responsible for the expenses incurred to destroy a diseased crucifer crop.

(3) The following requirements apply to crops that are within two weeks of harvest:

(a) Residues must be destroyed or incorporated into the ground immediately after harvest;

(b) Harvested seed must be isolated from other seed lots until it is treated with hot water and/or chlorine seed treatments;

(c) Harvest equipment must be steam cleaned before entering any other fields; and

(d) WSDA personnel in consultation with WSU extension personnel must monitor these post-harvest activities.